## THE COURTS.

Important Suit Against the Western Union Telegraph Company.

JUDGE BRADY ON EXTRADITION.

A Wife Charged with Bigamy Becomes Insane.

THE HERALD AS A COURT RECORD.

Application was made yesterday to Judge Lawrence Supreme Court, Chambers, on behalf of Mrs. Marcia B. O'Reilly by Mr. Adolphus D. Pape for an order directing the examination before trial of Mr. Orton, the president, and Mr. Green, the vice president of the Western Union Telegraph Company. The examination is sought to enable Mrs. O'Reilly to frame her complaint in a suit about to be commenced by her to test the question whether or not the Western Union Company is responsible for the payment of the value of stock issued by the New Orleans and Ohio Telegraph Company, of which she owns 92 5 11 shares. In her petition, on which the order was asked for, Mrs. O'Reilly goes into the history of early telegraph organizations in this country very fully. She alleges that her action is about to be commenced in the Court of Common Pleas in this city; that such action is against Norwin Green and George L. Douglas for an accounting by them for certain property held by them in trust, and against the Western Union Telegraph Company, and on account of the latter company now being in possession and having the control of such property, and for the profits, emoluments and increase of such property since the same came into the possession of the Western Union Telegraph Company; that she is Company, incorporated under the laws of Kentucky, and as such owner is entitled to receive by virtue of an agreement between the People's Telegroph Company ng the New Orleans and Ohio Telegraph Company, incorporated under the laws of Tennessee, 92 5-11 shares of the capital stock of the last mentioned company; that this New Orieans and Ohio Telegraph Company in January, 1854, owned a large and valuable property, consisting of telegraph lines, franchises and other property in use in the business of telegraphing, and that such shares of the petitioner were in 1854 worth over \$10,000. In January, 1854, the petition goes on to state that the detendants Green and Douglass, together with W. D. Reid and Dandridge P. Crockett, who have since died, were elected directors of the New Orleans and Ohio Telegraph Company, and were the only directors of the company; that by the charter and bylaws of the company, that by the charter and bylaws of the company, that the directors were to serve as such directors until other directors were to serve as such directors until other directors were tected; that no election for directors of the company has been held since January, 1854, that the directors detected in January, 1854, or the survivors of them, still remain as directors of the company; that in July, 1854, the directors, together with four other persons, took possession of all the lines, tranchises and property of the New Orleans and Ohio Felegraph Company, by virtue of a lease purporting to be made by William Tanner, James D. Reid and Amos Kandali, as commissioners of the New Orleans and Dhio Telegraph Company lessors; that the said directors were W. D. Reid, Norwin Green, Dandridge P. Drockett and Georgs L. Douglas; that Samuel F. B. Morse, G. H. Montseral, Thomas L. Conter and George M. Bright were the lessees to the lesse was executed in July, 1854, and purported to lease the lines, franchises and property to such lessees for filteen years from the first day of July, 1854, and that by such lesse the lines, and the restore to the lessors at the end of such term all the property, franchises, privileges and immunities convexed to the lessors at the end of such term all the property, franchises, privileges and immunities convexed to the western Union Telegraph Company as la shares of the capital stock of the last mentioned company; that this New Orleans and Ohio Telegraph Company in January, 1854, owned a large and valuable The directors of the New Orleans and Onio Telegraph Company and the defendants, Green and Douglas, as survivors of them, were trastees of such property, and, as the petitioner is advised, are accountable to the steckholders of the New Orleans and Ohio Telegraph Company for the full value of such property and all the profits, and the Western Union Telegraph Company is also accountable to such stockholders for such property or some part or portion thereof, or for the issues and profits thereof, since the property came into the possession of the Western Union Telegraph Company. The petitioner has not been able, after application to the President of the Western Union Telegraph Company, to ascertain any of the insta in relation to such transfer to such company of such lines, frauchises and property, and whether an account or report of such transaction, or of any of the acts of the directors of the New Orleans and Ohio Telegraph Company, since July, 1854, has ever been made by such directors, or any of them, to the stockholders of the New Orleans and Ohio Telegraph Company.

The above suit when brought to trail will doubtless develop incidentally some curious and interesting features resisting to the discovery and first practical and

THE NORTHAMPTON BANK ROBBERY. A little over two years ago the Northampton Bank ties stolen. Very few more ingeniously planned or adroitly executed bank robberies have been perpetrated in this country. The robbers made good their escape, taking with them their large plunder. All the force of detective strategy was used to discover the guilty parties. At length two men, Scott and Dunlap, supposed to be implicated in the robbery, were strested in Philadelphia. A third arrest followed, that of William Connors, who was srrested in this city, and who is also charged with being one of the participators in the crime. Following his arrest a requisition was made by the Governor of Massachu, setts on the Governor of this State for his extradition to Massachusetts. Having secured the services of Mesery Charles N. Brooks and William F. Kintzing as counsel the latter have been using their utmost endeavors to prevent his removal from this State. They ob

counsel the latter have been using their utmost endeavors to prevent his removal from this State. They obtained a writ of inabeas corpus from Judge Brady, holding the Court of Oyer and Torminer, and there have been several arguments in the case, Mossra Clarence Seward, Jonn R. Fellows and Henry C. Allen appearing on behalf of the bank. Judge Brady gave his decision yesterday, and he says the questions involved are not only of most grave and important character, but present some points that have never before been passed upon in the courts. The following is Judge Brady's decision, as delivered orally in the Court of Oyer and Terminer:

"I have not had the opportunity to prepare an opinion in this matter, but my conclusions have been formed and will be stated. I see no reason to change the view expressed upon the submissions of the questions argued, that the federal courts have exclusive jurisdiction of proceedings of this character except upon the question of identity, and to them the relator can resort. Jurisdiction has been assumed, it may te said, but that does not confer it. The objection is distinctly presented by the respondent, and it has not heretofore been considered and determined in this State. In the Lawrence case, 58 New York Rep. 182, the affidavits on which the requestion was issued were a part of the traverse of the relator, and no objection was made to their use in that way, nor was any objection taken to their use in that way, nor was any objection taken to their use in that way, nor was any objection taken to their use in that way, nor was any objection to Appeals that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the grounds that the court's had interfered to examine the ground

disposed of upon the requisition, which, as it contained all the requirements of the act of Congress on the subject, was held to be sufficient. There was no objection made in that case to the jurisdiction of the court. It was assumed. The material facts as adjudged were those in the warrant contained, and which related only to the exercise of the powers conferred by the act of Congress. In this matter the respondents, disclaiming jurisdiction, objected also to the affidavits which were produced by the relator. His Excellency the Governor declined to give or certify the affidavits on the ground that he acted judicially in determining their effect, and was not subject to review by this Court. The relator then obtained copies of them. It will be perceived that this matter assumed a form differing therefore from any adjudicated proceeding in the State, and the questions are important, in ot grave, in character. The respondents, in addition to the requisition to which the affidavits mentioned reterred, produced a second one, charging the relator with being an accessory before the fact. His Excellency the Governor declined to certify the affidavits on which that was issued and they have not been put in evidence in any way. I thought the second requisition was properly admissable. I see no reason now to change my opinion. If the State Courts have the right to go behind the requisition notwithstanaing the objections on the score of jurisdiction, the effect of which would be to open the door to the examination of the papers or indictment transmitted and the laws of the State from whence they came, then there should be some means to compelled to extily or send the laws of the State from whence they came, then there should be some means to compel the production of the papers are not before me and the second requisition is good upon its face, the relator could not be discharged. I have thus briefly stated my conclusions.

"The questions as suggested are important, and the General Term being now in session the relator shall

THE HERALD AND LEGAL DELAYS. The story entitled "Game of Love," recently published exclusively in the HEBALD, in which Mary Bischoff sues Philip Bauer for \$10,000 damages for alleged breach of promise of marriage, though not reaching a trial as speedily as anticipated, was the subject yesterday of quite a lively legal set to before Judge Barrett, holding Supreme Court, Circuit. Mr. Hall,

ject yesterday of quite a lively legal set to before Judge Barrett, holding Supreme Court, Circuit. Mr. Hall, counsel for the defendant, made a motion that the case go off for the term. He stated as the basis of his motion that the recent lengthy account of the case published in the Hikkalb had influenced public opinion in the case beyond all doubt to some extent, and with the facts as thus published firesh in the public memory, it would be difficult to get an impartial jury.

"We all know the enterprise of the Herald," said Judge Busteed, "in opposition to the motion, and the industry of its corps of reporters. In this case the Herald has only anticipated the statement of the industry of its corps of reporters. In this case the Herald has only anticipated the statement of the incits of the case. It has in no other way induscing the herald has only anticipated the statement of the facts of the case. It has in no other way induscing the herald has only anticipated in the line of the facts of the case. It has in no other way induscing the surface of the incits of the case. It has in no other way induscing the safety public opinion, but has simply acted as a sentinel, as the advanced guard of public intelligence. What harm can such statement do the defence? The truth may surely be published, and cone are afraid of the truth save those whom the truth would indict. Suc us for libel," continued Judge Busteed, waxing warmer in his speech, "and recoup the damages we shall get from you."

"We only suc responsible parties." retorted Mr. Hall, "from whom we can get money."

"It cannot entertain the motion," interrupted Judge Barrett. "The case must be tried when reached in order on the calendar."

This judicial announcement had a quicting effect on the county, who gave promise of making the motion the basis of a prolonged and exciting discussion. The case now stands tenth on the calendar, so that it is probable that it will not be reached for several days yot.

DIVORCE FROM AN INSANE WIFE. With all the multiplicity of phases developed in divorce suits, there is seldom one presenting such sad teatures as an application made yesterday to Judge Lawrence, in Supreme Court, Chambers, by Johann Ludwig Fuchs, for a divorce from his wife Amelia Ludwig Fuchs, for a divorce from his wife Amelia Fuchs. He says, in his complaint, that they were married in Brooklyn in July, 1866, she representing at the time that she was a single woman, and that she had never been married before. Subsequently, as he lutther states, he ascertained that she had been previously married in Germany, and that at the time of his marriage to her ner first husband was living. The sad finale of the story comes in the closing recital—that his wife is now an inmate of the linatic asylum at Flatbush, L. He asks on this latter ground a divorce, and, with his affliction, couples a further petition for the control of their two children, aged respectively ten and four years. Judge Lawrence refused to grant the application, but, deeming the subject worthy of thorough investigation, appointed Samuel Mark guardian as litem of Mrs. Fuchs, and Rufus F. Andrews referee to take the testimony in the case.

### SUMMARY OF LAW CASES.

Messrs. Jeroloman and Arrowsmith were yester-day, by consent, substituted by Judge Freedman as attorneys for the plaintiff in the Wiswall divorce suit. Judge Larremore, in Special Term of the Court of Common Pleas, yesterday, ordered a reference in the suit for divorce on the ground of adultery brought by Rhoda Ann Whitmore against her husband, Francis

Appeals in the cases of Thomas McSpedon, ex-Fire Marshal, and Edward C. Genet, ex-attendant in the Court of Common Pleas, both brought to recover arrearages of salary, were argued in the Supreme Court-

Inline E. Kelter who has been detained for several weeks in the House of Detention as a witness in the \$64,000 forged check case, was yesterday released by Judge Lawrence on \$1,000 bail.

Otto Alexander has brought a suit against Alexander Oito Alexander has brought a suit against Alexander G. Lazarus to recover \$3,000, the value of fitty shares of the St. Paul and Milwaukee Raitroad stock, which he alleges be relivered to the defendant for safekeeping, and which the latter wrongfully pledged to a broker as margin on a stock transaction. Judge Freedman, of the Superior Court, yesterday ordered a reference in the case.

Maggie White was recently committed to the Workhouse on a charge of disorderly conduct. Her coun-

Maggie White was recently committed to the Workhouse on a charge of disorderly conduct. Her counsel, Mr. William F. Kintzing, having obtained a writ of habeas corpus, applied ye-terday to Judge Brady, in the Court of Oyer and Teterials. For hir release on bail. This was granted, and foo bail, which was fixed at \$300, was furnished torthwith and the prisoner was

discharged. In the suit of John S. Trott and another against George

that the plaintiffs have allowed the cause to sleep too long.

The Excelsior Petroleum Company has brought a suit against William A. Fowler and others, trustees of the company, for dividends declared in June, 1865, out of the capital. The amount of dividends thus declared is alleged to be \$20,000. The case came to trial yesterday before Judge Barrett, holding Supremo Court, Circuit, and will probably occupy a day or two, Messres. W. H. Dickerson and G. H. Windeld appear for the plaintiff and William R. Arnoux for the defendants.

the plaintiff and William R. Arnoux for the defendants.

In the suit of Geasa against the New Jersey Mutual Life Insurance Company, of which Governor Parker has been appointed receiver, application was yesterday made to Judge Lawrence for an order that the Capitol Life Insurance Company turn over the \$1,800,000 securities of the New Jersey company to the receiver, Judge Lawrence reserved his decision.

Elisha C. Ager has brought a suit for divorce against his wife, Eliza C. Ager, on a charge of adultry. The parties were married in August, 1868, in Washington, D. C., and lived together the July 5, 1874. Judge Lawrence yesterday ordered a reference to William C. Truil.

his wife, Ediza G. Ager., on a charge of activery. The parties were married in August, 1868, in Washington, D. C., and lived together this July 5, 1874. Judge Lawrence, yesterday ordered a reference to Willam C. Truit.

In a suit for divorce brought by Jane R. Griswold against James A. Griswold Mr Ruitus F. Andrews was appointed yesterday, by Judge Lawrence, referee.

Elizabeth Hill has brought a suit against the administrator of the late Elizabeth Adams for \$1,008 for services as nurse to the latter previous to her death at \$3 a day, and a reference was ordered yesterday by Judge Lawrence to investigate the merits of the case.

James Rice, convicted of killing Hugh McGabe at West Washington Market, was sentenced by Judge Brady, in the Court of Over and Terminer, yesterday to three years in State Prison. Judge Brady said that he had taken the previous good character of the prisoner into account, but there were other circumstances in the case which made it his duty to inflict his seutence. He added that the prisoner could reduce his term by good behavior.

Some time ago John Ryall, as administrator of John Ryall, Jr., brought a suit against Captain John Kennedy, of the steamer City of Brussels, to recover \$5,000 damages for the death of his son. The plaintiff and his wife, together with their infant son, took passage on the City of Brussels from Liverpool to New York, and on the way over the child took up a tin cup containing poison Tying carelessly on the dining table in the cabin and filling the cup with water drank its contents. He died soon after and this action was brought. On the triai the complaint was dismissed and the plaintiff appealed, on the Gument was returned unsatisfied, and the defendant was arrested. A motion to vacate the order of arrest was argued before Judge Freedman yesterday, in the Supreme Court, Special Ferm, who, at the close of the argument, took the papers.

GENERAL SESSIONS-PART 1.

STEALING CUTLERY. George Hart, of No. 130 Bleecker street, was arraigned at the bar by Assistant District Attorney Lyon, charged with having, on the 10th inst., stolen fifteen gross of cutiery, the property of the American Cut-lery Company, No. 49 Chambers street. The prisoner pleaded guilty and was sent to the State Prison for two

James H. Jarvis, a clerk, who received from Elijah K. Bangs, of No. 636 Broadway, the sum of \$18 27 on an order purporting to be signed by M. Addy, was arraigned for trial. He pleaded guilty to forgery in the third degree and was sentenced to one year in the Penitentiary.

GENERAL SESSIONS\_PART 2 Before Judge Gildersleeve.

THE BIG DIAMOND ROBBERY. The trial of William F. C. McCarty, who is indicted on the charge of grand larceny, in being implicated in the "diamond robbery" on the 27th of January last, was resumed yesterday. The complaining witness, Charles Y. Hand, who detailed the circumstances of the case in response to Assistant District Attorney Lyon, was submitted to a lengthy and searching cross-examination by ex-Judge G. M. Curtis, counsel for the accused. The witness recited the relations which existed between himself and the scused prior to the occurrence on the 27th of January. After a few interviews on the subject of the loan advertised for by Mr. Hand a co-partnership was tion by ex-Judge G. M. Curtis, counsel for the accused. established between him and the accused as to the hibited. Witness further said that up to the time of tormer admitted that the had given McCarty a note lor \$20,000, payable in one year. The documents put the vidence by the prisoner's counsel were acknowledged by Mr. Hand, who also stated that the time the papers were drawn up he was not possessed of much means. The witness was started that the time the papers were drawn up he was not possessed of much means. The witness was started that the time the papers were drawn up he was not possessed of much means. The witness was started that the obtained the diamonds, but Mr. Curtis pressing the matter, Judge Giderseleeve allowed the question. Mr. Hand then stated that he obtained the diamonds from Mrs. Whitney, of Thirty-seventh street, for a nominal sim of twenty-five cents and she having had temporary possession of them. Judge Curtis then submitted a document authorizing McCarty to hypothecate the diamonds for their joint benefit. The witness went on to state that he got the diamonds from Mrs. Lynca, he bought them for less than their market value, \$5,500; they were worth \$12,000. Mr. Hand then proceeded to relievate his attaements of the previous day as to his negotiations with McCarty and Thompson at the office. No. 315 Broak Thypureson, now known in the Mrs. Synch where Thompson and McCarty went to see the person who was to lend the money, and reneared the story of the larceny of the property in Fution street. All the suggestions as to appointments, he said, had been made by Thompson. McCarty, according to the terms of the copartnership was to have a third interest in the profils arising from the mustang exhibition races. In reply to Mr. Lyon, the witness stated that he had several transactions with Mrs. Lyonch in the diamond business, buying and selling for her. McCarty know he did not own the diamonds in question, as he had told himself, by made the morning." John Mors, another cabman, testified to his having been engaged by Thompson dother, but he drow him to the morning of the his having been engaged by Thompson and McCarty and Thompson coming out of the Beim

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Lawrence.—Nos. 66, 80, 86, 88, 89, 95, 97, 122, 132, 133, 140, 142, 146, 152, 160, 176, 177, 191, 205, 207, 212, 216, 217, 226, 232, 240, 241, 242, 243, 248, 249, 251, 264, 266, 257.

SUPREME COURT—CIRCUIT—PART 1—Held by Judge Barrett.—Case on, The Excelsior Petroleum Company vs. Fowler. No day calendar.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Hentl.—Nos. 46, 159, 103, 205, 149, 38, 153, 156, 157, 166, 171, 172, 173, 174, 175, 176, 292, 55, 129 372, 178, 137, 54, 179, 180.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels—Nos. 95, 107, 1073, 108, 62, 67, 95, 139 144, 69, 86, 111, 112, 135, 77, 145, 147, 148, 148.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels—Nos. 95, 107, 1073, 108, 108, 62, 67, 95, 139 144, 69, 86, 111, 112, 135, 77, 145, 147, 148, 148. COURT CALENDARS-THIS DAY.

Superme Court—General Term—Heid by Judges Davis, Brady and Daniels.—Nos. 98, 107, 107145, 108, 62, 67, 95, 139 144, 69, 86, 111, 112, 139, 77, 145, 147, 148, 140.

Superme Court—Circuit—Fart 2—Held by Judge Donohue.—Nos. 1934, 1928, 1512, 1998, 1810, 2068, 2102, 2134, 3941, 1862, 1942, 1536, 1568, 2108, 2220, 2120, 2136, 4369, 1526, 2368, 2368, 2272, 2274, 2280, 2282, 2284, 2286, 2288, 2292, 2204, 2274, 2288, 2302, 2302, 2304, 2308, 2316, 2316, 2318, 1320, 2324, 2330, 2348, 2364, 2356, 2368, 2360, Part 3—Held by Judge Westbrook.—Nos. 1962, 413, 419, 2208, 2125, 2363, 2778, 2569, 569, 4623, 4624, 99, 4493, 1177, 3000, 1801, 4631, 3835, 433, 11603, Supermor Court—Tham. Ferm—Part 1—Held by Judge Van Vorst—Nos. 376, 764, 466, 393, 482, 244, 971, 972, 620, 1177, 766, 572, 573, 743, 314, 599, 1104, 1133, 633, 948, 529, 601, 641, 784, 567, 742, 751, 754, 777, 1009. Commor Pleas—Equity Term—Held by Judge Robinson.—Nos. 3, 1342, 1223, 352, 892, 1103, 1209, 966, 715, 1105.

Supermor Court—Special Term—Part 1—Held by Judge Robinson.—Nos. 3, 1342, 1223, 352, 892, 1103, 1209, 966, 715, 1105.

Supermor Court—Special Term, and Commor Pleas—Equity Term.—No day calendars.

Marine Court—Special Term, and Commor Pleas—Equity Term.—No day calendars.

Marine Court—Trial Term—Part 1—Held by Judge Sinnoi.—Nos. 3888, 3440, 4988, 7901, 5183, 3364, 7883, 7921, 7700, 7969, 7459, 7460, 6068, 8147, 5319, —Part 2—Held by Judge Geepp.—Nos. 8883, 5923, 5949, 5949, 5813, 9109, 7788, 8847, 7717, 3739, 4622, 7520, 6121, 5625, 7644, 4043, 4061, 5188, 5836, 5023, 6778, 5890, 9105, 9119.—Part 2—Held by Charley Same vs. John Sullivan, grand larceny; Same vs. John H. Rawher, Chas. Lackman, adulterating milk; Same vs. John H. Rawher, Chas. Lackman, adulterating milk; Same vs. David Hamilton, adulterating milk; Same vs. Herman Clausen, adulterating milk; Same vs. Herman Sullivaning milk; Same vs. Jo

COURT OF APPEALS. ALBANY, N. Y., March 20, 1877. DECISIONS.

In the Court of Appeals to-day-present, Hon, San-

In the Court of Appeals to-day—present, Hon. Sanford E. Church, C. J., and associates—the following decisions were handed down:—

Stewart, executor, et al. vs. Beale; the Washington Cemetery vs. Claig et al.; same vs. the Prospect Park and Coney leland Railroad Company; Walter vs. Middleton et al.; the Johnstown Cheese Manufacturing Company vs. Veghte; King et al. vs. Sama; Van Wyck vs. Alien; Gossman et al. vs. Crüger; Jarvis et al. vs. Driggs et al.; Blair vs. Wait; Thomas vs. Neison; Diston vs. Rore; Sprague vs. the Holland Purchase Insurance Company; Crosby vs. Craft et al.—Judgment affirmed, with cosis.

Playtus vs. The People; O'Day vs. The People: The

firmed, with costs
Playins vs. The People; O'Day vs. The People; The
People vs. Howert.—Judgment stiffmed.
Arnol vs. The Pittston and Elmira Cosi Company;
Stone vs. Browning, Brogelman vs. Dane; Hilton vs.
Bender et al.—Judgment reversed and new trial
granted, costs to abide the event.

from all claim of the witow, costs of othe residuary catate going to appellant.

Kemp vs. The Knickeruocker Ice Company.—Judgment reversed and new trial granted, costs to abide ovenis, unless plaintiffs stipulate to reduce their recovery to \$5,531.77, with interest from September 1, 1870, to the date of the judgment, and if plaintiffs so stipulate, judgment as so modified affirmed without costs to either party in this Court.

George M. Filkins vs. The People.—Judgment reversed and proceeding remitted for a new trial in the superior Court of the citiy of Buffalo.

In the matter of the potition of Clara M. Pequet to vacate an assessment, &c.—Motion for reargument denied, if the matter of the potition of William C. Rhinelander, Jr., executor, to vacate an assessment, &c.—Remittiur recalled and order of this Court vacated and orders appealed from. Reversed and proceedings remitted for rehearing at Special Term.

The German American Bank vs. The Williams Mower and Reaper Company —Orders of general and special terms reversed and proceedings remitted tool Company.—Orders of general and special terms reversed and proceedings remitted tool costs, with costs of one appeal to the appeilant.

Ward, receiver, &c., vs. Roy et al.—Order affirmed

ward, receiver, &c., vs. Roy et al.-Order affirmed

for motion. Granted.
No. 416. The Union Consolidated Mining Company of Fannessee vs. Raht.—Motion for reargument. S. Hand for motion; Mr. Man opposed. Court took papers.
No. 380. Anderson, respondent, vs. Ackeson and another, appearants.—Motion to dismiss appeal. Rutus W Peckham for motion, no one opposed. Motion

W Peckhain for motion, no one opposed. Motion granted.
No. 446. Kennedy, respondent, vs. Orr, appellant.—
Motion to dismiss appeal. Court took the papers.

APPEALS FROM ORDERS.
Cormier, respondent, vs. Hawkins, appellant.—Argued by Robert Benedict for appellant, and J. H. Rodman, Jr., for respondent.

GENERAL CALENDAR.
No. 217. Cohen, respondent, vs. the Dry Dock Railroad Company, appellant.—Argument resumed and finished.
No. 219. Prince, respondent, vs. Conner, Sheriff, ap-

road Company, appeliant.—Argument resumed and finished.

No. 219. Prince, respondent, vs. Conner, Sheriff, appeliant.—Argued by Almon Goodwin for appeliant, and Mr. Lyman for respondent.

No. 441. The People, plaintiff in error, vs. Edwin S. Smith, defendant in error.—Argued by Watson M. Rogers for plaintiff in error, and by Thomas F. Kearns for defendant in error.

DAY CALENDAR.

The following is the calendar for Wednesday, March 21:—Nos. 220, 226, 228, 229, 230, 232, 233 and 234.

UNITED STATES SUPREME COURT. WASHINGTON, March 20, 1877.

In the Supreme Court to-day, on motion of Mr. E. J. Phelps, Mr. J. G. McCullough, of North Bennington Vt. was admitted to practice as an attorney and coun sellor of this court.

sellor of this court.

No. 189. George and Mary E. Seitz, appellant, vs. John T. Mitcheil.—The argument of this cause was continued by Mr. R. Ross Ferry, of counsel for the appellacte.

No. 988. George Eyster, Assistant Treasurer of the United States, &c., appellant, vs. The Contennial Roard of Finance et al.—The argument of this cause was commenced by Mr. Assistant Attorney General Smith, of counsel for the appellant, and continued by Mr. William Rawle and Mr. Robert N. Wilson for the appellers.

ppelices.
Adjourned until twelve o'clock to-morrow.

### CRUELTY TO A CRIPPLE.

A young boy named William Gliffillan, of No. 739 Eleventh avenue, while playing in that thoroughfare on Monday with a number of other boys, was approached by Herman Kley, a milk dealer, of No. 742 Eleventh avenue, and kicked in the chest and struck in the face by the latter. Kley was arraigned yesterday at the Filty-seventh Street Court. He is a tall, strong looking man, while the complainant is a cripple. The accused said he is continually annoyed by boys in the neighborhood putting dirt into his milk. On Monday a number of the lads got on one of his carts. He rushed out and attempted to send them away, when young Gilfillan called him abusive names. He then started in pursuit of the little follow, and struck him lightly across the face, although he admitted that had be been able to eatch up with Gilfillan he would also have kicked him. The little complainant denied the truth of Kley's statement, said that he had not in any way annoyed the milk desice, and that on his broast there remained the marks of the cruel treatment he had received. The case attracted considerable attention as a specimen of unwarranted cruelty toward a helpless boy. The Judge was justly indignant at Kley's unmanly act. day at the Fifty-seventh Street Court. He is a tall

The following sales were effected yesterday by auc ion at the Real Estate Exchange Rooms, No. 111

east side of oth av., 70.41. n. of olds st., theorge it. Pearing.

By FOOTT AND MYERS.

Receiver's saile of a lot 25x100, on Delafield av., Yonkers; to Margaret Keath, plaintiff.

Sale of a two story and basement brick house, with lot 20x10, known as No. 236 Madison st.; to Hermann Wendte.

Partition sale of Barnes estate (William A. Boyd, referee); two five story brick tonement houses, with lots 6043x100,6x08,3x00.0, known as 137 and 133 West 20th st., for \$1,000 cach, subject to \$19,000 encumprance on each house, to Amboose E. Barnes.

Barnes.

Two story rick building with lot 25x105.9x25x112, known as No. 438 Peart st., Ambrose E. Barnes.

One six story brick beilding, with lot 25x107.0xnown as No. 54 Roosevelt st., cast side, between New Bowery and Chambers st., to A. E. Barnes.

Paine, John and wife to J. H. Rhoads, No. 52 Dev st. 3 years... 10.000 Simpson, William, Jr., to Thomas Cochran (trustee), n. e. corner of Lexingtou av. and 30th st. 5 years. 10.000 Styles, Charles H., to Oliver Bronson, n. s. of 74th st. e. of Madison av. 13 months. 3,000 Scannell, Bridget, to Famund P. Hushnore, n. s. 27th st. e. of 2d av. 13 years. 2,500 Winthrop, Benjamin and wife, to Egerton L. Winthrop, Benjamin and wife, to Egerton L. Winthrop, Benjamin and wife, to Egerton L. Winthrop, Benjamin and wife, to Jane Colgate, n. s. 45th st., e. of 7th av. 15 years. 6,000 Ward, Margaret and others, to Jane Colgate, n. s. 45th st., e. of 7th av. 15 years. 5,000 Wales, Leonard E., to United States Trust Company, n. s. 28th st., w. of 4th av.; 3 years. 5,000

PILOT COMMISSIONERS.

The regular meeting of the Board of Pilor Commissioners was held at the rooms or larring sits reater-day afternoon. Most of the session was taken up by representatives of the rival Staten aland ferry companies presenting arguments for aid against the removal of the "citab house pier" at supleton, which the higher court has decided was built a violation of the laws governing obstructions in the harbor. The old ferry company contended, through its representative that the pier should at once be emoved, while the company owning it asked the Board is deary action for awhile, in order to give them moretime to inity consider the matter. The Pilot Commissioners on Tuesday next will report their decision of who shall remove the pier, in accordance with the power given them by the decision of the Court of Appeals.

The case of Simonson, pilot of the scanner Rosiand, ashore on the Jersey const, was not taken up, but Commissioner Blant states that Castain Bellorey does not hold the pilot responsible.

The case of Weaver, pilot of the Amerique, was not reached. The captain of the steamer desires to be present when the pilot is examined. The Commissioners have received Weaver's version of the accident, and he positively assures them that he was not in charge of the vessed at the time.

Charges having been made against M. W. J. Staples, of Stapleton, S. L. for throwing return matter into the bay off that point, the Commissioners have decided to notify him that such work must be discontinued or the law will be called to their aid and proceedings instituted.

THE CADIGAN STAFBING.

A stabbing affair between William Coughlin and Jeremiah Cadigan, already reported in the HERALD, was further investigated at the Fifty seventh Street

# MARRIAGES AND DEATHS.

MARRILD.

LITTLEFIELD-LOWERSTEIN.—On Sunday, March 18, 1877, by the Rev. John tied, of Fitth Avenue Freshyterian Church, J. F. LITTLEFIELD, of New Orleans, La., to SEBORAH LOWERSTEIN, of Galveston, Taxes.

DIED.

ASTEN. -On the 19th lust, THOMAS L. ASTEN, in his 57th year.

The relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, No. 453 West 19th st., on Thursday, the 224

dence, No. 453 West 19th Mt., on Thursday, the 224 inst., at one O'clock.

Brethern:—You are hereby summoned to attend an urgent communication of Eureka Lodge, No. 243, F. and A. M., at the Composite Room, Masonic Temple, on Thursday, March 22, at twelve M., for the purpose of attending the tuneral of our late worthy brother Thomas L. Asten. By order

GEORGE T. ACKERSON, Master.

JAMES A. COOK, Secretary.

BERKMAN.—March 20, SARAH BERKMAN, in her 73d year.

year.

Relatives and friends please attend funeral services at her late residence, 56 4th av., this afternoon at lour

at her late residence, 98 4th av., this afternoon at lour o'clock.

BELENAP.—On Tuesday March 20, of diphtheria, May, second daughter of Augustus and Julia Besknap, in the 5th year of her age.

Funeral from residence of her parents, Na. 120 West 126th st., on Thursday, 22d inst., at eleven o'clock A. M.

BENJAMIN.—On Tuesday, March 20, 1877, Charles Thronork Brajamin, in the 52d year of his age.

His remains will be taken from his late residence, 220 West 53d st., to Rochestor, N. Y., for interment.

BENJAM.—On Monday, 19th inst., Exma Louise, only daughter of Stephen G. and Emma Bryan, aged 8 months and 8 days.

Relatives and friends are respectfully invited to attend the funeral at the residence of her parents, No. 22 East 45th st., on Thursday, March 22, at one o'clock.

32 East 45th st., on Thursday, March 22, at one o'clock. New Haven papers please copy.

Corry.—On Tuesday, March 20, Herry Walter Corry, aged 50 years, 2 months and 20 days.

Relatives and friends are respectfully lavited to attend the funeral, from his late residence, 265 West 125th st., on Thursday, at one o'clock P. M.

CURRY.—On March 20, William, beloved son of Denis and Bridget Curry, aged 3 years and 3 months.

Relatives and friends are requested to attend the funeral, from 351 Madison st., on Wednesday, 21st linst., at one P. M.

Gill.—Tuesday, March 20, at the residence of his son-in-law, 150 Macon st., Brooklyn, William Gill.

Notice of funeral hereafter.

Hadley.—On Tuesday, March 20, of consumption, Suban A. Hadley, daughter of the late William Hadley.

ley.

The relatives and friends of the family are respectfully invited to attend the funeral, from the residence of ner brother-in-law, George W. Bedoll, No. 28 Georck st., on Thursday, Maron 22, at half past one P. M. Harshnouck.—At Flatbush, L. I., March 19, 1877, ELIZABETH HASHROUCK, daughter of the late John Harbrouck and granddaughter or Cortland Van Buren.

The relatives and friends are invited to attend the funeral, at the Reformed Dutch Church, Flatbush av., on Thursday, March 22, at twelve o'clock noon.

HENDERSON.—DAVID HENDERSON, March 20, aged 34 years.

HENDERSON.—DAVID HENDERSON, March 20, aged 34 years.

Relatives and friends of the family, also his father-in-law, Jeremiah Healy, are respectfully invited to attend his funeral from his late residence, No. 2, kaz 2d av., corner of 11th st., Harlem, on Thursday, March 22, at one o'clock P. M.

Port Washington papers please copy.

HURLBUT.—At Yokohama, Japan, on January 25, 1877, George HURLBUT, in the 40th year of his age.

The funeral services will be held at No. 108 East 16th st., on Wednesday morning, March 21, at eleven o'clock.

The luneral services will be held at No. 108 East 16th st., on Wednesday morning, March 21, at eleven o'clock.

Isankau.—On Tuesday, the 20th, Mathilda, the youngest daughter of Louis and Mathilda Isabeau, aged 3 years.

Relatives of the family are invited to attend the funeral, from the residence of her parents, 32 East 12th st., at two o'clock to-day (Wednesday).

Jones, aged 1 year and 5 months.

Kelatives and irlends are respectfully invited to attend the funeral, from the residence of her grandmother, Mrs. A. E. Woodruff, No. 211 West 45th st., on Wednesday, March 21, at two P. M.

Kinoan.—At Wedford, N. B., on Tuesday, March 13, Jamss Kingan, in the 37th year of his age.

Notice of funeral hereafter.

Morkno.—At Hobbken, on Monday, March 19, Elizamern Morkno, widow of the late Antonio Moreno, of Madrid, Spain.

Funeral to-day (Wednesday), at one P. M., from her late residence, 32 Hudson Terrace, Hobbken. Relatives and friends are invited to attend.

MCCARTHY.—On Matrch 19, Ellem McCarthy, aged 23 years, wife of Patrick McCarthy, and daughter of Eugene and Catherine McCarthy, of Dunmanway, county Cork.

Funeral will take place from her late residence, 108 Madison st., on Wednesday, at one o'clock.

Noves.—At New Cansan, Cone., March 19, Samuel.

gene and Catherine McCarthy, of Dummanway, county Cork.

Funeral will take place from her late residence, 108
Madison st., on Wednesday, at one o'clock.

Noyes.—At New Cansan, Conn., March 19, Sakuel.

S. Noyes, M. D., in the 91st year of his age.

Notice of funeral hereatter.

Ogilyre—On Saturday, March 17, Marka Ogilyre, wife of William M. Ogilyle in the 58th year of her age.

Relatives and friends of the family are respectfully invited to attend the funeral, from No. 21 East 73d st., on Wednesday, March 21, at two o'clock P. M.

O'Relley.—On Tuesday morning, March 20, 1877, Mark, relict of Miles O'Reilly, aged 73 years.

The relatives and friends of the family are respectfully invited to attend her funeral from her late residence, 141 Nassau st., Brooklyn, on Tursday, 22d, at half-past nine o'clock, and from thence to the Roman Catholic Cainedral, Jay st., where the holy sacrifice of the mass will be offered for the repose of ner soul; thence to Cemetery of Holy Cross.

QUINTARD—On Sunday, March 18, Lucia Louisa, wife of James W. Quintard and daughter of the late Phillip R. Kearfw.

Relatives and friends of the family are respectfully invited to attend the funeral, at Church of the Incarnation, Madison av. and Thirty-fifth street, on Wednesday, March 21, at ten o'clock A. M.

RANSOM—On Monday, March 19, after a long and painful illness, Louisa J., wife of J. Martin Ransom.

Funeral on Wednesday, 21st inst., at two o'clock, from her late residence, 155 Skillman st., Brooklyn.

Friends invited.

ROSCH—On Monday, March 19, 1877, Mrs. Catherine Rosch, wife of Charles H. Rosch, aged 46 years, 5 months and 16 days.

Relatives and friends are invited to attend the funeral invited.

ROSCH—On Monday, March 19, 1877, Mrs. Catherine Rosch, wife of Charles H. Rosch, aged 46 years, 5 months and 16 days.

Relatives and friends are invited to attend the funeral from his late residence, Carona, L. L., on Thursday, March 22, at half-past two P. M. Friends take train at 12:32 from Hunter's Point.

SHUMAN.—On Monday March 22,

Spright (Inspector of Police), in the 63d year of his age.

The relatives and friends of the family, also the Municipal Police, are respectfully invited to attend his funeral, from the Little Church Around the Corner, Rev. Dr. Houghton, on Friday, 23d inst., at eleven o'clock A. M.

Von Hagen.—At Central Valley, N. Y., on Tuesday morning, George Von Hagen.

Notice of inneral in to-morrow's paper.

Warrs.—On Monday, 19th inst., Emily F. Watts, beloved wife of Hugh Watts, aged 41 years.

Friends and relatives of the family are respectfully invited to attend the juneral from her late residence, 446 West 17th st., at two o'clock P. M., Thursday, 22d inst.

Dearest one thou hast left us,

Dearest one thou hast left us,
Loving wife and kind mother;
Gone to rest, we will meet you,
In that happy home above.
WILKINS.—At Citrouville, Ala., March 17, MORRIS
WILKINS., Jr., aged 23 years and 4 months.
Funeral at St. Ignatius' Church, 40th st., between 5th and 6th ava. Thurstay, March 12, at ten A. M.
Wickes.—On Monday, March 19, Deborah N., wife of Theodore K. Wickes, aged 52 years.
Relatives and friends are invited to attend the funeral, at the residence of her brother, Jesse Newman, 744 Washington st., on Wednesday, March 21, at two P. M.

P. M.
WITHUNS —On Monday, March 19, Rudolph August
WITHUNS, in the 62d year of his age.
Notice of funeral befeater.

# FINANCIAL AND CONMERCIAL

An Active Stock Market.

Advance in the Coal Stocks.

GOLD 104 3-4 A 104 5-8 A 104 3-4.

Money Easy at 2 a 3 1.2 Per Cent on Call.

Figured as a planetary system, the entire share list has to-day revolved around the coal stocks as a central sun. There was heat enough evolved to force s sun. There was heat enough evolved to force a growth in prices, and to course the bears at the same time, as was demonstrated by the alectity with which shorts were covered. The result was the more discouraging, in that a "freezing" process, as applied to holders of long stock, is most consonant to the bearish mind, and that the result of to-day's coal sales was disappointingly favorable. Much stress had been laid upon the slaughter of prices which, it had been predicted, must ensue from the great amount of coal offering and the scanty demand to meet it, and for this reason the short interest had been materially increased. As it turned out the results of the sale were voted to be unfavorable from a bearish standpoint, particularly so when a bearish standpoint, particularly so when amount of 225,000 tons, disposed of to eager buyers, had been taken at an average decline of only .06 5-10 per cent from the sales of February tast. Apparently prices to-day were from 15 a 20 cents per ton lower than those obtained last month, but the allowance for freightage between Newburg (when the deliveries of to-day's sales are to be made), and Weehawken (when those of the previous anction were made), reduces the difference to the tractional quantity quoted above. To further strengthen quotations of the coal carriers, a story, probably manufactured out of whole cioth, was put affect that President Sloan had invited a meeting put affoat that President Sioan had invited a meeting of the various coal companies on to-morrow, for the purpose of suggesting a plan looking to a restoration of the old combination. How New Jersey Central and Lehigh and Wilkesbarre, in their present anomalous condition, and to obtain relationship in the projected happy family, is a matter of no little doubt, and we must wait for time the circumstances referred to were effective in giving a sharp turn upward to Delaware and Lackawanna and on, when 3 per cent difference for 60 days was made by some unterrified bears on the first named stock and the shorts generally had retired to figure up losses, prices yielded somewhat and closed up about midway between the highest and lowest of the session. While the causes already cited were of chief aid in a strengthening way, something additional was lent through the premiums paid for borrowed stock, since as much as 1-32 to \$\frac{1}{2}\$ was paid for a day's use of shares of the two Belawares. The railway and miscellaneous market was kept in the background by the prominence of the coal carriers, but nevertheless came in for a fair share of attention, particularly so far as Western Union and Lake Shore were concerned. The first closed at 60\frac{1}{2}\$ (ex dividend of 1)\( \) per cent), which was a fractional decline from the day's best figures, and the second at While the causes aiready cited were of chief aid in decline from the day's best figures, and the second at 68%, being about midway between high and low water mark, as expressed by the morning's prices. The friends of Burlington and Quincy seem to have plucked up iresh courage, for the day at least, and were ready

the velvet so long trodden upon by the successful bears will be found to have a cotton backing after ail. The sales of active stocks to-day were as follows: New York Central, 4,395; Eric. 1,500; do. preferred, 125; Lake Shore, 41,200; Wabash, 800; Northwestern, 2,150; do, preferred, 900; Rock Island, 1,215; Milwaukee and St. Paul, 600; do, preferred, 3,000; Pittsburg, 144; Delaware, Lackawanna and Western, 93,100; New Jersey Central, 3,000; Delaware and Hudson Canal, 7,750; Michigan Central, 1,700; Illinois Central, 100; Union Pacific, 2,200; Chicago, Burlington and Quincy, sippi, 100; Western Union, 26,900; Atlantic and Pacific Telegraph, 1,368; Pacific Mail, 5,200.

takers of the stock for investment as high as 99, the advance being from 94 yesterday. The improvement failed to hold, however, the closing quotation being

other speculatives other than a commendable degree of firmness, which hopeful bulls trust may be a silver

OPENING, HIGHEST AND LOWEST.

The following table shows the opening, highest and

lowest prices of the day:-	pening. Highest,	Lowest
New York Central	92% 93%	925
Erie	736 736	7.04
Lake Shore	48% 49%	4834
Wabash	514 514	9.4
Northwestern	32% 32%	32
Northwestern pref	5136 6136	6136
Rock Island	9936 100%	9937
Milwaukce and St. Paul .	18% 18%	1836
Mil. and St. Paul pref	46% 47%	40.57
Del., Lack. and Western.	57 58%	57
New Jersey Central	9 936	8%
Union Pacific		7136
Onto and Mississippi	5% 5%	* 236
Western Union		6234
Pacific Mail	23 23	2234

ADVANCE AND DECLINE.

The following shows the advance and decline in the closing prices of the principal active stocks, as com pared with those of yesterday !-

pared with those of yesterday!—

ADVANCE.—Hilmois Central, ½; Northwestern preferred, ½; C., C., C. and I., ½; Walash, ¼; Delaware, Lackawanna and Western, I. Morris and Essex, I: Atlantic and Pacific, ½; New Jersey Central, ½.

DECLINE.—Western Union, ½; Pacific Mail, ½; Erie, ½; Lake Shore, ¼; St. Paul, ½; St. Paul preferred, ½; Hannibal and St. Joseph proferred, ½; Delaware and Hudson, 1½; Michigan Central, ½.

CLOSING PRICES-3 P. M.

			-
Offered.	Anked.	Offered.	Ashed
Pacific Mall 22%	2214	C. Mil & StPpf 46%	4654
W U Tel 60%	00%	C, C, C & I 2032	1997
	200	C. C. A I C 2	914
A & Pacific 24%	4.02M		
Quickstiver 10%	1000	D. L & West. 5734	Dis
Quicksliver pf 22%	2414	Erie 7	714
Mar L & M Co. 54	155.4	Han & St J 10%	11
Martia MCo.pf 5%	7.0	Han & St J pf. 10	20
Adams Exp., 101	20115	L . A M S 4854	4034
Adams DXD., 101			122
Amer Exp 56%	0.000	Mich Central. 42	
U S Exp 4012	9026	N Y & Har 135	137
Wells F Exp. 84%	274.75	NYCKHE. 92%	10274
Chi & Alton., Dills	0232	NYA Har 135 NYO & H K. 92% NJ Central 8%	2007
Clev & Pitts. Bull	00	Ohio & Miss. 544	1.65
Chi & N W 324		Panama 122	77.0
Chi A N W pr. 51%	0124	Tol & Wabash 5	-576
Chi & R I 00%	100	Union Pacific. 71%	72
Cm, M & St P 183	18%	Del & Hud 4832	49
TII	R MONE	Y MARKET.	
**			
Money opened at 21% a 3 per cent on call, loaned up			

to 31s, and closed easy at 2 a 214 per cent on call. The following were the rates of exchange on New York at the undermentioned cities to-day :- Savannah, buying %, selling 14; St. Louis, 100 premium; Cincinnatifirm. buying par, selling 1-10; Charleston easy, % a % premium; New Orieans, commercial 14, bank 5-16 a 34. and Chicago firm, 60 premium.

and Chicago firm, 60 premium.

THE GOLD MARKET.

Gold opened and closed at 104%, with sales in the interim at 104%. The carrying rates were 1, 1% and 2 per cent. Loans were also made flat. Gold clearings at the National Bank of the State of New York:—

 Gold balances
 \$1,118,203

 Currency balances
 1,171,626

 Gross clearances
 12,364,000

for the week ending to-day were \$4,794,472, making a total since January 1 of \$58,988,711, against \$55,563,016

for the same period last year, and \$53,835,021 in 1875.

THE FOREIGN MARKET.

The London advices report consols % lower than yesterday, selling at 96 % a 96%. There is no change whatever in United States bonds. New York Central declined % per cent and Illinois Central I per cent, touching 94 and 50 respectively. The sum of £150,006 sterling was withdrawn from the Bank of England of balance to-day. In Paris rentes were 1081. 25c., and they closed at 1081. 22 3c. Exchange on London was 25t. 16c. Bar silver was 53 5 d. per ounco.

GOVERNMENT HOMES.

Government bonds closed steady at the following 123%; do. do., 1881, registered, 111% a 111%; do. do.,